

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH FORGA,

Plaintiff,

V.

BRIAN STREISSGUTH,

Defendant.

CASE NO. 3:17-CV-05032-RBL-DWC

REPORT AND RECOMMENDATION

Noting Date: March 31, 2017

The District Court has referred this action filed under 42 U.S.C. § 1983 to United States Magistrate Judge David W. Christel. Plaintiff Kenneth Forga, proceeding *pro se* and *in forma pauperis*, initiated this civil rights action on January 13, 2017. *See* Dkt. 1. On February 1, 2017, the Court screened Plaintiff's Complaint and found Plaintiff failed to state a claim under § 1983. *See* Dkt. 5. The Court ordered Plaintiff to show cause why the Complaint should not be dismissed by March 3, 2017. *Id.* The Court warned failure to respond to the Order would result in the Court recommending dismissal of this action as frivolous pursuant to 28 U.S.C. § 1915. *Id.*

1 Plaintiff has failed to comply with the Court's Order. He has not filed a response to the
2 Order or attempted to file an amended complaint. As Plaintiff has failed to respond to the Court's
3 Order and prosecute this case, the Court recommends this case be dismissed without prejudice.

4 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
5 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
6 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
7 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
8 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on March
9 31, 2017, as noted in the caption.

10 Dated this 13th day of March, 2017.

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13 David W. Christel
United States Magistrate Judge
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